



**Good  
News**

**Television, Inc. W25BM, UHF Channel 25**

Featuring Three Angels Broadcasting Network

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the matter of : ) November 20, 1996  
)  
Advanced Television Systems ) MM DOCKET NO. 87-268  
and their Impact Upon the )  
Existing Television )  
Broadcast Service )

TO : The Commission

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COMMENTS OF  
GOOD NEWS TELEVISION INC.  
WYGN-LP Channel 25

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I Ernest F. Herford, President of GOOD NEWS TELEVISION INC., hereby submit these Comments in response to the Commission's Sixth Further Notice of Proposed Rule Making ("Sixth NPRM") in the captioned proceeding, in which the Commission proposes to allot a second 6 MHz channel to each full power television station for digital television ("DTV") purposes, in a manner estimated to result in the destruction of up to 45% of all existing low power television ("LPTV") stations. Sixth NPRM, 66. Such a proposal would be devastating to WYGN-LP and the viewers of Berrien Springs and Berrien County in the State of Michigan.

WYGN-LP, which is headquartered in Berrien Springs, Michigan and broadcasts programming based on the 27 Fundamental Beliefs of the Seventh Day Adventists. The Seventh Day Adventist Church has 8 million members worldwide. The membership of the North American Division exceeds 800,000 people served by more than 4,600 churches. There is an estimated 5,000 to 6,000 members in Berrien County, Michigan. This LPTV station has been operational for 4 1/2 years and brings much more than religious programming to its many viewers. Its programming includes many health-related and educational programs such as collage courses, transmits multilingual programming and serves minorities and communities not otherwise served by any full power or LPTV stations.

The loss of this station would be devastating to WYGN-LP and its viewers. Public interest would be greatly disserved by depriving those viewers of WYGN-LP'S Programming on which they have come to rely on for issues of faith, health, education and entertainment.



Both Congress and the Commission have extolled the benefits of LPTV stations, yet the Commission's current proposal relegates its recognition of these benefits to mere lip service. There is nothing in the Communications Act that *requires* the Commission to allot a second 6 MHz channels to full power television stations and give these channels away for free, at the expense of many LPTV stations that will be lost in the shuffle. LPTV stations not only fail to benefit from this giveaway, but must suffer a tremendous net loss of service as envisioned by the Commission's proposed allotment scheme. Perhaps most devastating to the LPTV service is the Commission's proposed "recovery" of Channels 60 to 69. The loss of 35% to 45% of all existing LPTV operations in the Commission's current proposal is proof that the broadcast band does not have ten channels to spare. The Commission's consideration of an auction for such channels in the face of such a massive loss of LPTV service suggests that the Commission is putting monetary considerations ahead of the public interest

As recently as 1994, the Commission recognized that:

The LPTV service is more than meeting its expectations. Today 1400 LPTV stations serve diverse audiences in more than 750 communities and in all 50 states. These communities range in population from the hundreds to the millions. The hallmarks of the LPTV service are TV "localism" and specialized "niche" programming. . . . The LPTV service also has contributed to increased diversity in broadcast station ownership. LPTV station licensees include schools, colleges, churches, community groups, newspaper publishers and radio and TV broadcasters.

*First Report and Order* in MM Docket No. 93-114, 9 F.C.C. Red. 2555 pages 2-3 (1994)

Although LPTV is a secondary service subject to displacement by full power stations, the Commission implicitly recognized the public interest benefits and audience loyalty attributable to LPTV stations when it imposed an application freeze on LPTV in the same markets in which it had earlier frozen full power applications in anticipation of DTV. *See Public Notice*, Mimeo No. 12124 (released Mar. 12, 1991). The Commission froze new LPTV stations in areas "to minimize the extent to which low power TV and TV translator service to the public may be disrupted." *Id*

The Commission took further steps to "contribute greatly to the orderly development and stability of the low power television service, when it adopted its "displacement" policy, permitting LPTV stations that are displaced by conflicting primary services to move to a different channel without facing competition from other applicants. *Report and Order* in MM Docket No. 86-286, 2 F.C.C. Red. 1278 (1987). Naturally, we applaud the Commission's proposal to "continue to permit displaced low power stations to apply for a suitable replacement channel in the same area without being subject to competing applications" in the

context of the DTV proceeding. *Sixth NPRM*, page 67. We also applaud the Commission's proposal to permit LPTV operations on channels outside the core digital TV spectrum.

*Id.*, page 68. However, more can and should be done to protect the LPTV service and to prevent the loss of up to 45% of all LPTV stations.

Since the Commission is proposing to give second channels to full power licensees without charge, it only makes sense to have licensees compensate existing LPTV stations for any required move or displacement, as suggested in paragraph 68 of the *Sixth NPRM*. It is the LPTV licensees who can ill afford additional expenses, much less a cessation of all operations, while the wealthier full power licensees get a second equally valuable channel free. This is perhaps the greatest example to date of the Commission allowing the rich to get richer while the poor become poorer. Perhaps it is too cynical to suggest that the Commission's allotment scheme confirms that "money talks." Yet it does not take a brain surgeon to recognize that a loss of up to 45% of its existing stations would be devastating to WYGN-LP Channel 25 and its viewers.

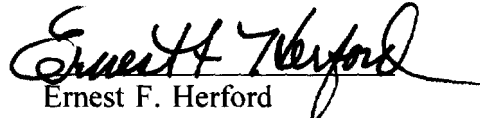
I support all measures suggested by the Commission to preserve existing LPTV service, including (1) setting aside channels specifically for use by displaced LPTV stations (*Sixth NPRM*, page 70); (2) taking terrain and other engineering factors into account and finding replacement channels, (*id.*, page 71); (3) giving preference to LPTV over new broadcast applicants in seeking primary use of available DTV channels (*id.*, page 72); and (4) requiring full power licensees to permit multiplexed use of their second channels by LPTV stations that would otherwise be displaced by the Commission's allotment scheme. (*id.*) In those areas where LPTV service would be lost completely by awarding a second channel to all full power licensees (i.e., because there would be no alternate channels available), the Commission should consider awarding second channels to fewer than all full power licensees. After all, full power licensees, like their LPTV brethren, are free to begin digital broadcasts on their primary channels at any time. In markets where there are more than 5 or 6 full power stations, we question whether the public interest requires all such stations to have dual allotments, if the end result is a net loss of service to the public.

In summary, we urge the Commission to put its money where its mouth is. In the instant *Sixth NPRM*, the Commission confirms yet again that it "continues to recognize the benefits that low power stations provide to the public. LPTV stations have increased the diversity of television programming and station ownership, and served many rural and urban ethnic communities." (page 67). If the Commission is to truly "recognize" those benefits, then it cannot permit an allotment scheme to go forward that would result in the loss of 35% to 45% of all existing LPTV operations, as its current allotment proposal would effect. Whether the Commission changes its allotment scheme, sets aside channels specifically for LPTV, or gives away second channels to fewer than all full power licensees, the Commission should not go forward with a plan that would result in a net loss of broadcast service to the public. Such a plan clearly deserves the public interest, defeats the recognized benefits of the LPTV service and hurts those who most need the Commission's help to survive.

Conclusion:

We recognize that the ATV proposals, as they currently stand, are inappropriate and if implemented will have disastrous consequences for public consumers, broadcasters, and the nation's economy. The proposals for mandatory imposition of ATV should be rejected as being contrary to the public interest and destructive of the American system of free over-the-air television. If ATV is considered, it should be allowed to develop alongside, not in place of the existing NTSC television system, just as FM stations progressed beside AM stations. In addition, no proposal should be adopted that excludes or endangers the nation's 1648 LPTV stations.

Respectfully submitted,

  
Ernest F. Herford  
President